

*REMARKS/ARGUMENTS**The Pending Claims*

Claims 1-17 are currently pending. Claims 1-17 are directed to a method of treating an intra-organellar acidification of intracellular organelles by the inhibition of vacuolar-type (H⁺)-ATPase. Reconsideration of the pending claims is respectfully requested.

Amendments to the Claims

Claim 1 has been amended to delete the comma immediately following "thereof." Claims 6 and 7 have been amended to delete compounds which are objected to as non-elected subject matter. Claims 18-31 have been cancelled as directed to a non-elected invention. No new matter has been added by way of these amendments.

Summary of the Office Action

Claim 1 is objected to for containing informalities. Claims 6-11 are objected to as containing non-elected subject matter. Claims 1-7, 12-17, and 31 stand rejected under 35 U.S.C. § 103(a) as obvious over Boyd et al. (i.e., WO 99/05136) in view of Oku et al. (i.e., WO 99/21835) and Simon et al. (i.e., U.S. 2002/0042079). Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as obvious over Boyd et al., Oku et al., Simon et al., Holt et al. (i.e., WO 93/18652), and Yamamoto et al. (i.e., *Cell Struct. Funct.* 1998, 23, 33-42).

Claim Objections

The objection to claim 1 is moot in view of the amendment to delete the comma. The objection to claims 6 and 7 is moot in view of the amendment to delete non-elected subject matter. The objection to claims 8-11 is traversed. Claims 8-11 do not contain non-elected subject matter insofar as they are dependent on claim 1 which is not objected to.

Accordingly, the claim objections should be withdrawn.

Discussion of the Obviousness Rejection

The obviousness rejection is moot in view of the Declaration under 35 C.F.R. § 1.131 of Michael R. Boyd submitted herewith, which establishes conception of the invention recited in the pending claims prior to the date of publication of Boyd et al. (i.e., WO 99/05136) which published February 4, 1999. Since the disclosures of Oku et al., Simon et al., Oku et al., Holt et al., and Yamamoto et al., taken alone or in combination, fail to teach each and every element of the claims, the obviousness rejection is improper and should be withdrawn.

Conclusion

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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